

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DERYL DION MORROW,

Plaintiff,

vs.

Civ. 09-395 JCH/RHS

SANTA FE BOYS & GIRLS CLUBS,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S OPPOSED MOTION TO COMPEL DISCOVERY
AND MOTION FOR SANCTIONS**

THIS MATTER comes before the Court on Plaintiff's Opposed Motion to Compel Discovery and Motion for Sanctions [docket no. 64]. The Court has now considered the Motion together with Defendant's Response thereto (docket no. 74) and Plaintiff's Reply (docket no. 79) as well as all of the pleadings on file in the above-captioned cause and hereby concludes that the Motion should be granted in part and denied in part as more fully set forth herein. To the extent that the Motion is granted, the Court has only determined that the information sought is discoverable and has made no decision whether it is admissible at the time of trial.

IT IS THEREFORE ORDERED that Plaintiff's Opposed Motion to Compel Discovery and Motion for Sanctions [docket no. 64] is hereby granted in part and denied in part as follows:

1. The Motion is granted as to Plaintiff's Interrogatory No. 4 and Defendant is directed to answer the interrogatory fully and completely in a narrative form.
2. The Motion is granted as to Request for Production No. 23 and Defendant is directed to produce the written leave requests of past and current employees including Unit Director

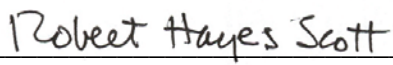
Bernadette Archuleta-Padilla. If these leave requests are unavailable or have been destroyed, then, and in such event, Defendant shall respond in a full and complete narrative manner explaining why such leave requests are not available for production.

3. The Motion is denied to the extent that it seeks to redepose Mr. Al Padilla, however, it is granted to the extent that Mr. Padilla may be redeposed by written questions as set forth in Plaintiff's Motion. These questions must be propounded to Mr. Padilla on or before November 5, 2010, and responded to on or before November 26, 2010.

4. The Motion is denied to the extent Plaintiff seeks an award of attorney's fees and costs or other sanctions.

5. In responding to the discovery allowed under the terms of this Order, Defendant shall refrain from making references to discovery which has been produced in response to other interrogatories or requests for admission and shall respond in a complete narrative manner with attachments of written material or documents being sought regardless of whether the same have been produced in any other context.

6. All discovery granted herein shall be completed on or before November 26, 2010.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE